

## CITY OF SAN BRUNO



567 El Camino Real  
San Bruno, CA 94066  
Voice: (650) 616-7074  
Fax: (650) 873-6749  
<http://www.ci.sanbruno.ca.us>

### STAFF

Tambri Heyden, AICP, *Community Development Director*  
Aaron Akin, AICP, *Planning Manager*  
Mark Sullivan, AICP, *Housing and Redevelopment Manager*  
Beilin Yu, *Associate Planner*  
Tony Rozzi, *Assistant Planner*  
Lisa Costa-Sanders, *Contract Planner*  
Cathy Hidalgo, *Recording Secretary*  
Pamela Thompson, *City Attorney*

### PLANNING COMMISSIONERS

Sujendra Mishra, *Chair*  
Rick Biasotti, *Vice-Chair*  
Mary Lou Johnson  
Bob Marshall Jr.  
Perry Petersen  
Kevin Chase  
Joe Sammut

## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING COMMISSION MINUTES

February 7, 2006  
San Bruno Senior Center  
1555 Crystal Springs Blvd.  
7:00 P.M. to 10:00 P.M.

CALL TO ORDER at 7:02 pm

### ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Mishra	X	
Vice Chair Biasotti	X	
Commissioner Johnson	X	
Commissioner Marshall		X
Commissioner Chase	X	
Commissioner Petersen	X	
Commissioner Sammut	X	

### STAFF PRESENT:

Planning Division: Community Development Director: Tambri Heyden  
Planning Manager: Aaron Akin  
Associate Planner: Beilin Yu  
Community Dev. Recording Secretary: Cathy Hidalgo  
City Attorney: Pamela Thompson

Pledge of Allegiance: Planning Manager Aaron Akin

## 1. Approval of Minutes – January 17, 2006

### Motion to Approve Minutes of January 17, 2006 Planning Commission meeting

Petersen/Biasotti

VOTE: 6-0  
AYES: 5  
NOES:  
ABSTAIN: 1 (Chase)

## 2. Communication

*Mayor Franzella:* Addressed the Public and the Commission. Thanked everyone for allowing him the time to come and speak this evening. He spoke about a program that the city council has put into place. At its January meeting the City Council appointed a member of the City Council to represent the council as a liaison to committees and commissions, with each member having two commissions. He was appointed to the Planning Commission and the PAC committee. This will be on a one-year basis and it will rotate through the members. He is here to inform the commission of that and to let them know if there are any needs, please feel free to call on him and he will be seen observing meetings, finding out what's going on, so that the council will have a better working understanding with all of the commissions. He just wants the Commission to know what they're doing and how they are doing it. The Council is not checking up on the Commission, just following what is going on throughout the commissions.

*Commissioner Petersen:* Welcomed the Mayor and extended best wishes for observing us. Thinks it's a great idea.

*Mayor Franzella:* Thanked Commissioner Petersen and thinks that it will give all the council members, including himself, as the mayor, an opportunity to work closer and have a better understanding of each of the commissions and committees. The Planning Commission certainly is a focal point of the city and gets a lot of attention from staff because there are always things going on and it is actually a legislative committee, but some of the other commissions do not have close interaction and the Council thought it was important and would be done on a rotation basis. Next year he will move down the list and someone will move up the list so that each council member will have two committees.

*Commissioner Johnson:* Questioned if there is any opportunity to hear the feedback?

*Mayor Franzella:* Responded there is no structure to it. Just thought it would be an opportunity for the commissions and the council to interact better. If there are ideas to be brought back it will be discussed in an open meeting. They are open to suggestions. Sometimes it is assumed that things are running along and everything is working well and if there is something that can be improved there is a direct link between you and the City Council. Please make contact with the liaison and make sure they are aware of it.

*Commissioner Johnson:* Thanked Mayor Franzella.

*Mayor Franzella:* Thanked the commission for their time.

### **3. Public Comment**

None at this time.

### **4. Announcement of Conflict of Interest**

None at this time.

### **5. 1150 El Camino Real (Shops At Tanforan)**

Request for a Use Permit for a proposed restaurant to allow alcoholic beverage sales per San Bruno Ordinance 1685. RL Dragonfly, Corp. (Applicant); The Shops at Tanforan (Owner) **UP-05-81**

*Planning Manager Akin* entered staff report.

*Chair Mishra* asked Commission if there were any questions for staff.

*Commissioner Chase:* Questioned the amount of establishments that can serve alcoholic beverages in a defined area, obviously Tanforan is large, is there some period in time where we say no more?

*Planning Manager Akin:* Answered that with the police department if there is undue concentration of places that serve alcoholic beverages, if the police department finds at that time that it will not be safe they can deny it based on that. Usually it is tied to high crime areas and if there is an area that is designated as a high crime area the police will not allow any more places to serve alcohol. This goes for liquor stores as well.

*Commissioner Petersen:* Questioned in the attachments of the report there is a new section 12-84-210 and the section that is printed there is the section apparently that was used when introducing this new section for approval to the council and it is all underlined. Is there a particular reason for using this one as opposed to an excerpt from the actual ordinance?

*Planning Manager Akin:* Answered that at the moment we are getting the whole new municipal code reprinted so we will be able to have new copies of everything that has been incorporated and updated. So, this is the last time you will see this version and a new version is on the way that has all the new text.

*Commissioner Petersen:* Verified that this is just the version on hand and that there was no special reason for using the one underlined.

*Planning Manager Akin:* Answered that this was the copy we had on file at this time. This does have the exact text that was adopted by the city council.

*Chair Mishra* asked the applicant to address the Commission and introduce the project.

*Applicant: Robert Lam*, president of R.L. Dragonfly Corp. Introduces the project that the concept is based around a Vietnamese eatery as a family oriented restaurant that will serve wine and cocktail beverages based on a concept of their restaurant in San Francisco called Butterfly. John Mars, will be the General Manager of Red Lantern, currently working at the Butterfly in San Francisco as a managing partner with Robert Lam.

*Commissioner Petersen:* Questioned applicant if they have read all the findings and particularly the ordinance, and that they understand the ordinance.

*Applicant:* Answered in the affirmative.

Public Comment opened.

Public Comment closed.

**Motion to approve Use Permit 05-81 subject to Findings of Fact 1-5 and Conditions of Approval 1-24**

**Petersen/Sammut**

VOTE: 6-0  
AYES: All Commissioners Present  
NOES:  
ABSTAIN:

**FINDINGS FOR APPROVAL**

1. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Interior alteration to an existing facility.
2. The proposal will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use.
3. The proposal will not be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city.
4. The proposal is consistent with the San Bruno General Plan, which designates the property for commercial purposes.

5. The proposed use will comply with the drinking places performance standards set forth in SBMC 12.84.210 (attached as Exhibit "D") for the following reasons.
- The proposed use of the property as a restaurant with alcoholic sales is compatible with surrounding uses, which include other restaurants, retail stores, and other similar uses.
  - The activity will not jeopardize, endanger or result in adverse effects to the health, peace or safety or persons residing or working in the surrounding area as the use of the property as a restaurant with alcoholic beverage sales is compatible with surrounding uses.
  - The Police Department has reviewed this proposal and placed Conditions of Approval in the staff report, which should ensure that the use would be compatible with other uses in the area.
  - By obtaining this Use Permit, and subsequently obtaining approval from the Department of Alcohol and Beverage Control the applicant will be in compliance with local and state regulations. As required by the local and state law, the City will issue a "need and necessity" letter to the Department of Alcohol and Beverage Control upon approval of this Use Permit.

### **CONDITIONS OF APPROVAL**

#### **COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS (1-11)**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary Hearing" to the Community Development Department within 30 days of approval. Until such time as the Summary is filed, Use Permit 05-81 shall not be valid for any purpose. Use Permit 05-81 shall expire one (1) year from the date of approval unless the plan is executed.
2. The applicant and any successor in interest, shall agree to operate the restaurant at 1150 El Camino Real #210 in the manner as described in the staff report and in the applicant's support statement. Any deviation or change in business activities shall require prior authorization by the Community Development Director. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.
3. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City.
4. The applicant shall conduct regular maintenance of the site to maintain the premises and remove debris and litter at the front and rear of the building.
5. The permitted hours of operation of the restaurant shall be from 11:00 am to 10:00 pm daily.

6. Any changes from the approved hours of operation shall require prior authorization of the Community Development Director.
7. The applicant/owner shall provide prompt cleaning/repainting of any graffiti on the building exterior.
8. The applicant shall comply with all Alcohol and Beverage Control requirements.
9. The applicant shall comply with all aspects of San Bruno Ordinance 1685 (refer to attachment). Non-compliance with these conditions may result in revocation of the use permit.
10. The applicant shall meet all San Mateo County Health Department requirements regarding the operation of a restaurant.
11. The applicant shall provide the signed copy of the Summary of Hearing (SOH) to the Alcohol, Beverage and Control Board. This SOH will serve as the Letter of Public Convenience or Necessity as required by the California Department of Alcoholic Beverage Control (ABC),

#### **POLICE DEPARTMENT CONDITIONS (12-16)**

12. Address numbers for the business shall be on a contrasting background, easily visible from the street. The address numbers shall also be visible at night.
13. Adequate lighting of the grounds contiguous to the building and of sufficient wattage shall be provided to clearly make visible the presence of any person on or about the premises during the hours of darkness and provide a safe secure environment for all persons and property on site.
14. The applicant must obtain an ABC license to sell alcohol on the premises and comply with all their rules and regulations.
15. The applicant must install a robbery and burglary alarm system and the system shall be monitored by an off site alarm company.
16. The applicant is responsible to submit emergency contact information to the police department for after hour's emergency contact.

#### **FIRE DEPARTMENT CONDITIONS (17-24)**

17. Provide seating chart showing dimensions of isles between chairs and tables in accordance with CFC Section 2501. Patio layout shows seating for 68 people.

18. Obtain Assembly Permit from San Bruno Fire Department (\$150.00). Show calculations to demonstrate interior capacity of 150 people and exterior capacity of 90 people.
19. Provide second exit for exterior seating (patio) of 50 or more people.
20. Provide recessed hinged Knox Box key box at a location approved by the San Bruno Fire Department. Keys for the box will include a Grand Master for all exterior and interior doors. Application can be obtained with the San Bruno Fire Department.
21. If more than 10 employees at any one time are on duty a manual fire alarm system shall be provided. Remote annunciator location to be approved by the San Bruno Fire Department. The fire alarm system installation will be a "UL Certified installation".
22. The fire alarm system shall be monitored by a UL listed central station.
23. Submit plans for a hood and duct fire extinguishing system. Provide a model K fire extinguisher in the kitchen area.
24. Provide a minimum of one 2A10BC extinguisher for each 3,000 square feet of floor area with a travel distance not to exceed 75 feet.

**Chair Mishra advised of a 10-day appeal period.**

## **6. 63 Pacific Avenue**

Request for a Use Permit to allow the construction of an addition which increases the gross floor area by more than 50%, and which exceeds the .55 Floor Area Ratio guideline per Sections 12.200.030.B.1, 12.200.030.B.2 of the San Bruno Zoning Ordinance. Luis A. Robles (Applicant); Alicia and Pedro Cervantes (Owners). **UP-05-76**

*Associate Planner Yu* entered staff report.

*Chair Mishra* asked Commission if there were any questions for staff.

None

*Chair Mishra* asked the applicant to address the Commission and introduce the project.

*Applicant-Luis Robles.* Presented the color samples as requested by the Planning Commission Chair, Mishra. Applicant stated that they addressed all the issues brought up at the design review. They have also supplied the color samples. They have gone through all the conditions of approval and accept them.

Public Comment opened.

Public Comment closed.

*Commissioner Petersen:* Question to staff, one of the conditions is no fence, etc. shall be placed within 2 feet from the back of the sidewalk. Commissioner Petersen didn't see on the drawing the location of the right away, is that what that is? The right away line is 2 feet back from the sidewalk.

*Associate Planner Yu:* Responds that it is correct.

*Commissioner Johnson:* Commented that when viewing the property I carefully looked at the east and the west side and there is no effect to that area or to the rear of the property. Wanted to make note of that. The property currently has been remodeled with stucco and new roof, and when talking to the owner because of the size of the lot it was a better choice to go up even though they prefer to go out but they needed to go up to save the integrity of their backyard. The property owners have kept the condition of their home and they are good to move forward with the project and accomplish it as quickly as possible. They wanted that message conveyed and wished they could be at the meeting, but they work in the evenings.

**Motion to approve Use Permit 05-76 subject to Findings of Fact 1-6 and Conditions of Approval 1-13**

**Chase/Biasotti**

VOTE: 6-0  
AYES: All Commissioners Present  
NOES:  
ABSTAIN:

**FINDINGS FOR APPROVAL**

1. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
2. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the materials found in the immediate neighborhood and the proportions of the house are similar to other houses in the neighborhood.
3. Because the proposed addition meets all minimum setback requirements per the San Bruno Zoning Ordinance, the proposal will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use



of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.

4. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for single-family residential purposes.
5. The off-street parking is adequate for the proposed residence.
6. Property is in the San Bruno Redevelopment Area and the proposed improvements are consistent with the San Bruno Redevelopment Plan.

## **CONDITIONS FOR APPROVAL**

### **Community Development Department – (650) 616-7074**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-76 shall not be valid for any purpose. Use Permit 05-76 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on February 7, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may

result in substantial code compliance costs to bring the garage back into conformance.

8. The driveway shall remain unobstructed at all times. No car shall block the driveway.

**Department of Public Works – (650) 616-7065**

9. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
10. Storm water from new and existing roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter. Drain to landscape or bubble-up 2'-0" behind sidewalk allowed.
11. No fence, retaining wall or other permanent structure shall be placed within 2'-0" from back of the sidewalk.
12. Paint address number on face of curb near driveway approach. Black lettering on white background.
13. Planting of one (1) 36-inch box size tree or payment of equal value to tree fund for tree(s) and installation.

**Chair Mishra advised of a 10-day appeal period.**

**7. 2880/2890 San Bruno Ave**

Request for a General Plan Amendment to change the current designation from Neighborhood/Community Commercial to Medium Density Residential, a Zoning Change request to change the current zoning from Neighborhood Commercial (C-N) to Planned Development (P-D), a Tentative Tract Map for the subdivision of two lots to sixteen lots with common space, and a Planned Development Permit to allow the development of sixteen new town homes, per Chapter 12 of the San Bruno Municipal Code. 2880 San Bruno Ave, LLC., Applicant/Owner, Stanley Panko, Architect **GPA-05-02, ZC-05-03, PDP-05-04, TM 05-02**

*Planning Manager Akin:* Requesting Continuance to February 21, 2006. A notice did go out however it had the wrong project description on it; therefore it did not meet the public notice requirements. Since that time, staff has re-noticed the project correctly with notation on it informing everyone that it would be postponed due to this noticing error. Staff recommends continuing item.

*Chair Mishra* asked Commission if there were any questions for staff.

Public Comment opened.

Public Comment closed.

## **8. City Staff Discussion**

*City Attorney Pamela Thompson* Apprise of a new law that has come into affect, incorporated into the Government code, commonly referred to as AB1234. This law requires that the City Council adopt, which it now has at a public meeting a policy that deal with when expenses can be reimbursed or allowed for the activities of the legislative body which would include the City Council and the Planning Commission Members. For your purposes what that means is before you attend any official function, in completing your duties as commissioners, to attend an event you will want to check the city's reimbursement policy and make sure that activity is pre approved. If it's on the list, your expenses will be covered by the city or your expenses will be eligible for reimbursement consistent with the city's guidelines and the policy. If however, you go to a function and it has not been pre-approved, not in the policy or you have not come to the city council through Staff and requested permission to attend, the city will not be able to reimburse you for your expenses. Everybody who is subjected to the new law, includes the City Council and the Planning Commission, will be required to attend 2 hours of ethics training every other year. You will need to complete your training by the end of this year and the Staff will be in touch with you about opportunities that are coming up in the next couple of months to complete that requirement.

*Commissioner Petersen:* Questioned do you still need to be trained if you don't ask for reimbursement?

*City Attorney Pamela Thompson:* Yes, under the law you will need to complete the 2 hours of training.

*Planning Manager Akin:* Selection of 2/16 ARC meeting volunteers: Chase, Sammut and Biasotti

*Planning Manager Akin:* Informed that Treetops went up to the City Council on January 24 – City council agreed with the Planning Commission recommendations and they told the applicant to increase the parking to 2.1, to keep the road open and eliminate the Elston town homes. They also had some other recommendations that related to circulation and design. Continued to a future council meeting. Still awaiting word from the Redeveloper on their submittal.

*Planning Manager Akin:* Informed that there are notices on the news racks. Per Council direction, the city staff has done a news rack inventory to see what the different violations are. There are a number of news racks within the city that are not in good condition, which are not meeting the zoning code and which are not being maintained. Having a meeting this Thursday at 9am for agencies to discuss violations as well as proposed ordinance amendments that may be coming in your direction soon.

*Commissioner Chase:* Questioned Treetops – the area is screened off and noticed that there is a crane there. Are they in the process of doing the demolition or is that on hold?

*Planning Manager Akin:* Responded that they have not talked to us about demolition. They have had problems with graffiti and gang problems in the location when it was open, so they fenced it off. Fenced off for security purposes. As far as demolishing they do not have any County clearance yet and have not requested any City approval.

## **10. Planning Commission Discussion**

*Commissioner Johnson:* Acknowledged the minute taker and how thorough they are and specific. Wanted to acknowledge that and thank her.

## **11. Adjournment**

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**Tambri Heyden**

Interim Secretary to the Planning  
Commission  
City of San Bruno

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**Sujendra Mishra, Chair**

Planning Commission  
City of San Bruno

NEXT MEETING: **February 21, 2006**

TH/ch

Meeting was adjourned at **7:28** pm